

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Darcell Kennedy

Debtor(s)

CHAPTER 13

THE BANK OF NEW YORK MELLON F/K/A THE
BANK OF NEW YORK as successor in interest to JP
Morgan Chase Bank, N.A. as Trustee for Nationstar
Home Equity Loan Trust 2006-B

Movant

NO. 22-12989 AMC

vs.

Darcell Kennedy

Debtor(s)

11 U.S.C. Section 362

Kenneth E. West

Trustee

**MOTION OF THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK
as successor in interest to JP Morgan Chase Bank, N.A. as Trustee for Nationstar Home
Equity Loan Trust 2006-B
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

1. Movant is THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK as successor in interest to JP Morgan Chase Bank, N.A. as Trustee for Nationstar Home Equity Loan Trust 2006-B.

2. Debtor(s) is/are the owner(s) of the premises 427 W. Roosevelt Blvd, Philadelphia, Pa 19120, hereinafter referred to as the mortgaged premises.

3. Movant is the holder of a mortgage, original principal amount of \$60,000.00 on the mortgaged premises that was executed on July 17, 2006. The mortgage has been assigned as follows: Assigned to THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK as successor in interest to JP Morgan Chase Bank, N.A. as Trustee for Nationstar Home Equity Loan Trust 2006-B on June 16, 2016. Recorded in Philadelphia County on June 30, 2016, Doc ID. 53077865.

4. Kenneth E. West is the Trustee appointed by the Court.

5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s).

6. Debtor(s) has/have failed to make the monthly post-petition mortgage payments in the amount of \$314.53 for the months of April 2023 through May 2023, less suspense \$81.88.

7. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred legal fees and legal costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

8. The total amount necessary to reinstate the loan post-petition is \$547.18.

9. The total amount necessary to payoff the loan is \$51,627.27.

10. Movant is entitled to relief from stay for cause.

11. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

Date: June 8, 2023

/s/ Mark A. Cronin
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